

DEKALB COUNTY CIVIC COALITION, INC.
DEKALB “ORGANIZATIONAL ACT”
DEKALB GOVERNMENT STUDY COMMITTEE
MAY – OCTOBER, 1994
FINAL REPORT
RECOMMENDATIONS (p. 5)
(See Attached History of DeKalb County Government P. 7)
© DeKalb County Civic Coalition, Inc. October, 1994 and August, 2006

The DeKalb County Civic Coalition (hereinafter the “Coalition”), a neighborhood advocacy group formed in 1985 , had been hearing a continuous flow of concerns about the current form of county government in DeKalb County. In the spring of 1994, the Coalition embarked on a study of the current “Organizational Act” as well as the history of DeKalb County Government.

This report attempts to address the concerns of citizens, government officials, DeKalb Department personnel and others who have expressed reservations with the current form of government. The general consensus of those interviewed was that the current form of government has not lived up to its promise of bringing “an accountable, representative government in DeKalb County” (quoted from the 1979 “DeKalb County Government Reorganization Commission” report dated September 1, 1979. In other words, the effort was to create a form of government which “shall provide more efficient and effective delivery of governmental services to the citizens of DeKalb County and shall be representative of the citizens of DeKalb County and be responsive to the wishes of said citizens” (as quoted from the enabling legislation Ga. Laws 1979, Page 4650).

To the contrary, it is felt by the “DeKalb Government Study Committee” (hereinafter the “Study Committee”) that the current “binary” form of government (A CEO over the administration of the government's policies and the Board of Commissioners making county policy) has actually created gridlock, become less responsive to the people, reduced accountability to the people and led to a politically dominated administrative bureaucracy rather than one professionally managed by a qualified administrator. These and other issues will be addressed in the report.

As you will see, although the Study Committee was created by the Coalition, the deliberations were always directed to the goals of:

1. Study the structure without regard to those who have or now serve in the positions of the current form of government,
2. Revise or create the government to models that provide for professional management of the bureaucracy of the second most populous county in the state,
3. Carefully consider the history of DeKalb's government to insure consistency of process, and
4. Do not suggest changes just for the sake of change.

INTRODUCTION

On May 16, 1994 Jacqueline Beyers of the Georgia Department Of Community Affairs spoke in depth and answered questions at a meeting of the DeKalb County Civic Coalition on the various forms of County Governments in Georgia. It became apparent at the end of the meeting that the frustrations with the current form of government necessitated an effort to review it. A study committee which included several attorneys, businessmen, governmental management professionals and citizens was formed, consisting of:

Joe Nairon, Chairman
Steve Clements
Erwin Scales
Henry Bryant III
Ruth Yetter

Tom Gould
Mickey Feltus
Henry Bryant, Jr.
Alan Watts

Tom Yetter
Emily Lewy
Gerry Lewy
Betty Hudson

Some of the concerns addressed included:

Inappropriate Division of Powers

Executive branch is too powerful, commission is too weak
Gridlock often exists between the commission and the CEO
Commissioners have very little power in dealing with constituent problems
CEO sets the agenda for the commission
CEO controls discussion at commission meetings
CEO controls press releases
Lack of effective legal counsel for commissioners and citizen appointees

Lack of Representative Government

Not responsive to the people
Bureaucrats run the county
A lack of adequate checks and balances
Once elected, CEO is not accountable to the voters
Dept. Heads on the Merit system are unresponsive to the commission, CEO and citizens
Lack of good, professional management
Dept. heads on merit system

Other Problems

CEO and commissioner's pay should be examined
Public misconception of the powers of the CEO and the commission

The present system of government in DeKalb County is unique both in Georgia and nationally. It has many problems more severe than in other tried, tested and proven systems. *The problems are systemic*

and are likely to exist regardless of how competent and professional the CEO or commission members may be.

With these issues as a basis for the study, a resource search was instituted and a “History of DeKalb County Government” was commissioned. The “History” is included as Appendix A.

The resource search led to an analysis of resources in several categories.

Category 1: Reports of earlier DeKalb County reorganization study committees:

- a. 1954 “Griffenhagen Report”
- b. 1960 “Program for Progress”
- c. 1974 Goals for DeKalb report entitled “A Structure and Process for Citizen Participation”
- d. 1978 Goals for DeKalb report entitled “Structuring for Leadership in DeKalb County Government”
- e. 1979 “Report of the DeKalb County Government Reorganization Commission”
- g. 1986 The Carl Vinson Institute of Government report entitled “A Study of the Legal Structure of the Office of Chief Executive Officer and the Board of Commissioners of DeKalb County, Georgia”.

Category 2: Organizations in the field of government including:

- a. National Civic League
- b. Carl Vinson Institute of Government
- c. Georgia Department of Community Affairs
- d. Governor’s Local Governance Commission

Category 3: People involved with government including:

- a. Current Commissioners in DeKalb and other counties
- b. Members of the 1979 Government Reorganization Committee
- c. Academics in the field
- d. Legislators involved in the passage of the current organization act and its revisions
- e. City and county attorneys

Category 4: Other references including:

- a. All documents, newspaper articles and court cases cited in the bibliography of the “History of DeKalb County Government” found in Appendix A
- b. 1992 “Platform for Local Government Change in Georgia”
- c. 1993 “Sample Provisions for Establishing the Position of County Administrator (Manager)”
- d. 1992 “Reinventing Government”
- e. ---- “The Nature of Policymaking”
- f. 1991 “Guide for Charter Commissions”
- g. 1992 “Model City (County) Charter”
- h. 1992 “Handbook for Georgia County Commissioners”
- i. 1990 Georgia General Assembly act creating the Athens-Clarke County, Georgia, unified government structure.

Many other individuals and resources including a national search on INTERNET for information were used.

After many months of study, it became clear that a county manager form of government, customized to its special, urban nature would be most suitable for DeKalb County.

COPYRIGHTED MATERIAL

DEKALB COUNTY CIVIC COALITION, INC.
SUMMARY OF RECOMMENDATIONS
DEKALB COUNTY GOVERNMENT REORGANIZATION
DEKALB GOVERNMENT STUDY COMMITTEE

Chairman

The position of Chairman will replace the current CEO position. This county-wide elected position as the titular head of the government will be expected to help focus the government on the welfare of the county as a whole, rather than the provincial interests of a section of the county. The chairman will represent the county in inter-governmental affairs, preside over the commission, place matters on the commission agenda, and will have tie-breaker and veto power. The chairman will have no administrative authority over any department. The compensation of the Chairman will be 50% of the state salary paid to superior court judges.

County Manager

A professional county manager, reporting to the commission, will assume the duties of the present executive assistant, with the responsibility and authority to administer the policies of the commission over all departments (with the exception of the county attorney). In order to improve the lines of communications between the government and the citizens, the county manager will report directly to the commission.

Commission

The commission will make policy, direct the administration of county policies through the county manager and make all appointments except those delegated to the county manager. The commission will be able to place matters on its agenda and make rules for the conduct of its meetings. The compensation of each commissioner will be 50% of the state salary paid to superior court judges. Neither the county manager nor the department heads will be on the merit system, but will serve at the pleasure of the commission.

Commentary

As the entity closest to the grass roots, the commission should be able not only to set policy but to direct its implementation through the county manager. This will mean that the gridlock which has existed in the past will be eliminated and a workable division of

powers will exist. The chairman will provide an appropriate check on the commission through the veto and tie-breaker authority. The commission, which often needs legal advice in setting policies, will have the resources of the county attorney at its disposal, whereas in the past the CEO was in effect the client, and the commission had no access to much needed legal services.

Department heads, who often are virtually unaccountable, will serve at the pleasure of the county manager or the commission. This will help minimize the unresponsive bureaucratic nature of county government. Greater responsiveness of government results whenever good communications channels exist between the people and the commissioners who both make policy and work closely with the county manager.

In summary, the division of powers problem will be eliminated, DeKalb's responsiveness to its citizens will be greatly improved, and an unworkable mutant form of government will be replaced by a tried, tested and proven system.

© DeKalb County Civic Coalition, Inc. October, 1994 and August, 2006

Reprinted August 15, 2006 with the express permission of the DeKalb County Civic Coalition, Inc. and must be cited in any reprints as “DEKALB COUNTY CIVIC COALITION, INC. DEKALB “ORGANIZATIONAL ACT” DEKALB GOVERNMENT STUDY COMMITTEE FINAL REPORT”

For further information contact:

Tom Gould,
Past President,
DeKalb County Civic Coalition, Inc.
404-843-1956

DEKALB COUNTY CIVIC COALITION, INC. HISTORY OF DEKALB COUNTY GOVERNMENT 1822 - 1994

© DeKalb County Civic Coalition, Inc. October, 1994 and August, 2006

Reprinted August 15, 2006 with the express permission of the DeKalb County Civic Coalition, Inc. and must be cited in any reprints as "DEKALB COUNTY CIVIC COALITION, INC. HISTORY OF DEKALB COUNTY GOVERNMENT"

For further information contact:

Tom Gould,
Past President,
DeKalb County Civic Coalition, Inc.
404-843-1956.

AUTHOR'S NOTE: The DeKalb County Civic Coalition has been reviewing the Reorganization Act which established our current, binary form of government: CEO with Board of Commissioners. During this research, much interesting information has been gathered regarding the government of DeKalb. There have been numerous studies done of the form of government which are cited throughout this article. This history is not intended to be a history of the County but only an outline of the history of the development of the current CEO form of government. It is suggested that the studies cited be referred to for more detailed information.

DeKalb County traces its history back to 1822 when it was formed from parts of Gwinnett, Henry and Fayette Counties. At that time the County was run by the "inferior court" (there were two courts at the time: the Superior Court and the Inferior Court). The County was divided into five "road districts" with "road commissioners" appointed by the courts. This practice was changed somewhat in February, 1826 when "road commissioners" were then appointed for each militia district. This practice was continued through the 1840's. (Note 1). In 1868 the responsibility of governing was placed in the "Court of Ordinary". (Note 2). The first mention of a "president of the Board of Commissioners was in 1872 (Note 1).

EFFORTS TO CREATE A BOARD OF COMMISSIONERS 1886 - 1906

"The first "Board of Commissioners of Roads and Revenues" was created by an act of the General Assembly in 1886. This board consisted of five members who were elected by the county Grand Jury" until the General Assembly amended the original act in 1891 when "qualified voters" elected the board. This board was given "broad powers for controlling all the property of the county, levying taxes" etc.

However, this form of government was repealed by an act of the General Assembly in 1896, at which time it is believed the government went back to being run by the "Ordinary".

"In 1902, the General Assembly again created a Board of Commissioners of Roads and Revenues consisting of five members, elected by qualified voters of the county from five road districts. The board had extensive jurisdiction similar to that held by the first board and the ordinary. This act was repealed by referendum in 1904 and the board abolished. This same repealing act established the office of ordinary with the same powers and duties as held by the earlier board."

THE SINGLE, ONE MAN COMMISSION 1906 - 1956

"DeKalb County operated under the guidance of the ordinary for two years, until 1906, when the General Assembly passed an act creating a sole commissioner who essentially had the same authority as the board of commissioners abolished by referendum in 1904." (Note 3).

It is at this point the sources for this "history" diverge as to what happened next. "In 1912, the General Assembly effectively repealed the 1906 act and created a board elected from five road districts by the grand jury" and later elected by "qualified voters" by an act in 1918. (Note 3). Whereas the reports noted in notes 4 and 8 indicate there was a single commissioner form of government from 1906 - 1956. For the sake of brevity, it will be assumed DeKalb had a single commissioner until 1956.

A LIST OF THE COMMISSIONERS FROM 1822 - 1992 IS FOUND IN NOTE 2.

DEKALB'S MULTI-COMMISSION GOVERNMENT 1956 - 1985

In 1953, the General Assembly set up the "DeKalb Local Government Commission" which issued a report in 1954 known as the "Griffenhagen Report" (after the consulting firm hired under this legislation). From 1906 - 1956 DeKalb had grown from 25,000 citizens to 125,000 citizens. The 1954 report had felt DeKalb County had good leaders in the past but the commission "desired some checks and balances" and found the existing checks and balances to be weak. And, the government needed by the citizens was more complex needing more representation" (Note 4). The last 20 years (thru 1956) "was marked by expeditious handling of county business. If this was commendable, it nevertheless had its negative effects: (1) political apathy on the part of the general citizenry; (2) little representation of the general citizenry in the councils of government and (3) a concentration of power in a single commissioner and his special constituency. The 1956 county charter revision did four things: (1) it gave the county government the broadest possible range of municipal powers; (2) it substituted as the governing body an elected multi-member commission" (note 7) (four commissioners and one commission chairman (note 3)); (3) it retained the strong executive tradition by making the chairman a full time, elected and voting member of the commission and, (4) it added a full time, professional

appointive county manager to the chairman's staff as the executive assistant." This government form went into effect in 1956 after a referendum.

In 1960 another "Local Government Commission" was established by the legislature. It issued a report "Program for Progress" on December 1, 1960. It recommended the form of government be changed again to become a "county manager" form of government with five elected commissioners with the commission choosing its chairman. This form was suggested because of "criticism leveled at the current form of government" which fell into three categories:

1. "The tendency of the commission elected as policy makers to participate in administrative details,
2. The difficulty of an elected group to make administrative decisions promptly and state them clearly, and
3. Inadequate coordination between departments, boards, commissions and agencies."

The Local Government Commission also studied many other issues in the government and concluded such things as the lack of long range planning, weakness of the Planning Commission, there is no industrial development plan, and the administration needs to be reorganized to be more accountable to an urban rather than a rural county and other matters. Many of the reorganization of departments did take place but the government form stayed the same until the 1970's. (Note 5). It was in 1970 that the commission was increased to seven (7) members with the addition of two at large members.

Through the 60's and 70's "the chairman did not exercise his right to vote at the commission meetings and the commission seemed to function more as an advisory council to the chairman". But, two major events took place to change the face of DeKalb's government: 1.) The "Home Rule" amendment of 1964 which authorized the board to fix the salary, etc. of non merit system employees which increased the potential influence on the appointment of the executive assistant, finance director and county attorney, all key policy makers, and,

2.) The passage of two ordinances by the commission. "With the advent of the two-party politics in the county, the self-imposed restraints, ..., began to be strained." "A majority of the board seemed dissatisfied with several of the chairman's (Bob Guhl, Republican) actions. His first appointment as executive assistant and efforts to reorganize the staff were perceived as attempts to strengthen the chairman vis a vis the board. Moreover the board believed the staff provided information which the board thought was incomplete and/or misleading. Mistrust prevailed and apparently led to enactment of two local ordinances" one of which increased control of the board over the appointment of the executive assistant, finance director, county attorney, planning director, merit system director and director of special studies. The second ordinance spelled out the duties and qualifications of the executive assistant" (note 7). This led to the filing of the Guhl v. Williams lawsuit which went to the Georgia Supreme Court. The ruling found under 237 Ga 586 reaffirmed the fact that the commission could move these powers to itself under the "home rule" laws (note 7).

In 1976, the then commission chairman, Walt Russell, had problems with getting a county attorney approved. This last problem was the straw that broke the camel's back and led to the move for a reorganization of the government via General Assembly action creating two study commissions: "The DeKalb County Citizens' Committee for Efficient Government" in 1976 and the "DeKalb County Government Study Committee" which ultimately led to the formation of the "DeKalb County Government Reorganization Commission" in 1979 under an act of the General Assembly.

As an aside, there was also an interesting phenomenon in DeKalb during the 1970's: the formation of a group known as "Goals for DeKalb". In 1970, the University of Georgia conducted a "community social analysis of DeKalb County" and published Dynamic DeKalb wherein there was a conclusion that "the foremost need in DeKalb County was a structure and process for determining community priorities and the direction of the communities' development". Based on these principals, "Goals for DeKalb" was incorporated "based on the premise that citizens should have a voice in the decision making process of their community". Federal funding through CETA and private contributions were secured allowing it to hire a full time director. Goals for DeKalb attempted to reach out into the community for a diversity of opinions and created "Task Forces" to study major issues (three reports were issued covering 1.) Juvenile Crime and Delinquency, 2.) Taxation problems of older persons and 3.) "Structure for Leadership in DeKalb County Government" which became one of the major sources of information leading to the development of the CEO form of government we now have) (Note 6). Further follow-up would be interesting to find out why this excellent group no longer exists.

Goals for DeKalb concluded that the form of government needed changing and reviewed basically five forms of government but made no direct recommendation on the form it should take (although it was felt a binary form of government was preferable).

In 1979, the DeKalb County Government Reorganization Commission (hereinafter GRC), after 23 meetings, hearings and public meetings concluded there needed to be "greater accountability to the people from all levels of government, better representation by elected officials and a delineation and clarification of the duties and powers of the CEO and Board". To achieve these goals, the government should be binary. Most of the GRC's recommendations were ultimately used in setting up DeKalb's current form of government. Certain important recommendations were left out of the new government including the CEO having to give the budget to the board on August 15 (it is now January), presenting annually a comprehensive development plan (although the General Assembly recently required each county to submit a comprehensive economic development plan each year under the Growth Strategies legislation), the creation of a Zoning Review Board in which the citizen members appoint a zoning examiner, the use of zero based budgeting, evening meeting (the board recently did this), the appointment of a data processing committee to streamline data processing, that compensation be studied every two years to insure competitiveness, the enactment of procedures to handle citizen complaints and have in house attorneys (DeKalb recently enacted this policy). (Note 10).

In 1981 the General Assembly passed the "DeKalb County Government Reorganization Act". This act passed with 57% of the vote on August 10, 1982. This was in spite of the concerns of Manuel Maloof who was concerned about the CEO having absolute authority to hire and fire the Executive Assistant and that the commission might need to have its own staff to get "adequate, balancing information". Maloof suggested the reorganization be debated more. (Note 8). The lone commissioner to support the act was Liane Levetan (Note 9).

This vote by the citizens did not end the fray. There was some debate in 1983 surrounding the fact that the CEO was to have total authority to appoint the Executive Assistant and had control over access to county staff because all requests for information by the commission had to go through the CEO or

Executive Assistant. After much debate (Note 11) two changes to the Reorganization Act of 1981 had to go to the voters before the new form of government went into effect 1/1/85:

1. 1983: Giving the board confirmation power over the executive assistant (thereby taking away the CEO's absolute authority to appoint the Executive Assistant), reduced the number of commissioners needed to fire the executive assistant for cause from 6 to 5 (the same number of votes were necessary to fire the Planning Director, Finance Director, Merit System Director and County Attorney)and giving the Commission the right to seek information from the administration without the CEO being involved if the information was "necessary to the establishment of policy" .

2. 1984: revising the definitions of openings to the various offices and details on reserving the right to amend the act.

Both were passed by the voters.

In 1985 additional controversy arose as to appointments by the CEO to commissions and boards, more specifically the Board of Tax Assessors and the MARTA Board. Manuel Maloof filed a lawsuit to clarify the issue: Maloof v. Williams 175 Ga. App. 546. The Court ruled the Commission and the CEO jointly would appoint people to these boards (and other similar boards). This proved unworkable and led to a 1986 revision to the reorganization act giving the CEO the right to nominate up to two people for the post. If the commission agreed with neither, they could appoint a person to the opening (Note 3 and the Act of 1986).

In 1988, the act was revised again, this time moving the Planning Director, Merit System Director and Finance Director to the Merit System and removing the right of the Commission to fire the people with 5 votes. (See act of 1988)

The 1990's saw the move towards ethics laws for government and DeKalb got its first Board of Ethics in the 1990 Legislature. (Note 12). This legislation added an ethics committee to oversee and administer ethics rules for the CEO and commissioners.

1992 saw a further revision of the Board of Ethics powers by adding other types of censure other than just removal from office (Note 13).

FOOTNOTES

NOTE 1 DeKalb Local Government Report dated 1954. Copy found at DeKalb Historical Society

NOTE 2 List entitled "DeKalb County Commissioners" found at DeKalb Historical Society.

Road Commissioners
(Appointed by Court)

Naman Hardman
Meredith Collier
Jos. Morris
Joel Prichett

1826

John Beasley
Abraham Chandler
Charles Bonner
Benjamin Plaster

In February, 1826, Road Commissioners appointed by militia district.

1845

J.B. Wilson
E. Mason
John Collier
J.W. Kirkpatrick

1846

William Willis
Aaron B. Knight
Robert Orr
Noah Hornsby

1847

Daniel Johnson
P.F. Hoyle
Ezekiel A. Davis
Joseph Pitts

1872

First mention of Commission
president

H. Clay Jones

1877

John B. Stewart

1886

Board of Commissioners

George Ramspeck
_____ Flake
Judge Ragsdale
John McCelland

1907 - 1918

R. T. Freeman

1918 - 1929

L. T. Y. Nash

1930 - 1939

C.A. Matthews

1939 - 1954	Scott Candler
1954 - 1956 Commission president	Wheat Williams, Sr.
1957 - 1960 Commission Chairman	Claude Blount
1961 - 1964	Charles O. Emmerich
1965 - 1968	Brince H. Manning, Jr.
1969 - 1972	Clark Harrison
1973 - 1976	A. C. (Bob) Guhl
1977 - 1980	Walter B. Russell, Jr.
1981 - 1984	Manuel Maloof
1985 - 1992 CEO	Manuel Maloof
1993 - Present	Liane Levetan

NOTE 3 "A Study of the Legal Structure of the Office of Chief Executive Officer and the Board of Commissioners of DeKalb County, Georgia" October, 1986 by Carl Vinson Institute of Government, The University of Georgia. Copy secured from Carl Vinson Institute.

NOTE 4 "Griffenhagen Report", 1954. Copy in DeKalb Historical Society.

NOTE 5 "DeKalb County, Programs for Progress", Final Report of the DeKalb Local Government Commission, DeKalb County, And Dated December 1, 1960. Copy in Maude Burris Library, Decatur, GA.

NOTE 6 "Goals for DeKalb: A Structure and Process for Citizens Participation" by Harold L. Nix and Paula L. Dressel, 1974(?) Study of the Department of Sociology and Institute of Community and Area Development, University of Georgia. Copy found in Maude Burris Library, Decatur, GA.

NOTE 7 Task Force III, Final Report: "Structuring for Leadership in DeKalb County Government" dated 1978 compiled by "Goals for DeKalb". Copy found in Maude Burris Library, Decatur, GA.

NOTE 8 "Reject 'Costly' Change; Vote Again Later Suggests Maloof". DeKalb News Era, 8/5/82

NOTE 9 "Maloof Has 'Problems' With Revamp But Expects to Run". DeKalb News Era, 8/19/82

Page 6A.

NOTE 10 "The Report of the DeKalb County Government Reorganization Commission 1979". Report found in Maude Burris Library, Decatur, GA.

NOTE 11 See News/Era articles: "Organization Changes Top County Agenda (10/28/82 Page 8A); three articles in the News/Era dated 2/2/83 Page 2A and the Tucker Neighbor_March 2, 1983.

NOTE 12 See News/Era 2/15/90 and 3/15/90.

NOTE 13 See News/Era 4/16/92.

© DeKalb County Civic Coalition, Inc. October, 1994 and August, 2006

Reprinted August 15, 2006 with the express permission of the DeKalb County Civic Coalition, Inc. and must be cited in any reprints as "DEKALB COUNTY CIVIC COALITION, INC. HISTORY OF DEKALB COUNTY GOVERNMENT"